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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

WENDY SLOSSER,

Plaintiff,

vs.

**PORTFOLIO RECOVERY
ASSOCIATES, LLC & DERRICK E.
MCGAVIC, P.C.,**

Defendants.

Case No.: **CV 11 - 82 JO**

COMPLAINT;

**FAIR DEBT COLLECTION PRACTICES
ACT (15 USC § 1692a, *et seq.*);**

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendants' violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

II. JURISDICTION

2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 USC § 1331.

III. PARTIES

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3. Plaintiff, Wendy Slosser ("Plaintiff"), is a natural person residing in Washington County, Oregon.

4. Defendant, Portfolio Recovery Associates, LLC, ("Defendant Portfolio") is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant Portfolio regularly attempts to collect debts alleged due another.

5. Defendant, Derrick E. McGavic, P.C., ("Defendant McGavic") is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant McGavic regularly attempts to collect debts alleged due another.

IV. FACTUAL ALLEGATIONS

6. Defendants are each a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

7. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

8. All activities of Defendants set out herein were undertaken in connection with the collection of a "debt," as defined by 15 USC § 1692a(5).

9. Within the last year, Defendants took multiple actions in an attempt to collect a debt from Plaintiff. Defendants' conduct violated the FDCPA in multiple ways, including the following.

10. Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt, including failing to provide Plaintiff with the proper notice of garnishment and related documents as required by ORS 18.658. Defendant McGavic, under the control and at the direction of its client, Defendant Portfolio, sent Plaintiff a

copy of its Writ of Garnishment against her bank account. ORS 18.658 required that Defendant serve on Plaintiff, in addition to the Writ itself, a list of property exemptions and a form for Plaintiff to challenge the garnishment, pre-filled with the proper court caption. Instead, Defendant McGavic included either nothing at all or at best a blank Stevens-Ness form for responding to a garnishment that was not filled out with the proper caption and did not properly cite the exemptions (§ 1692f)).

11. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

12. Defendants intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

13. Defendants' actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

14. To the extent Defendants' actions, detailed in paragraphs 9-10 were carried out by an employee of either Defendant, that employee was acting within the scope of his or her employment.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff reincorporates by reference all of the preceding paragraphs.

16. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FDCPA, § 1692f.

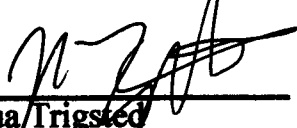
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for the following:

- A. Declaratory judgment that Defendants' conduct violated the FDCPA;
- B. Actual damages pursuant to 15 USC 1692k;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Dated this 20th day of January, 2011.

By: 
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